

**AN ORDINANCE  
BY TRANSPORTATION COMMITTEE**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO AN EXISTING SEWER EASEMENT GRANTED TO FULTON COUNTY FOR THE PURPOSE OF FACILITATING THE PREVIOUSLY APPROVED DEVELOPMENT OF AN AIRTRAN FLIGHT TRAINING FACILITY ON PROPERTY OWNED BY THE CITY OF ATLANTA NEAR HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City owns and operates Hartsfield-Jackson Atlanta International Airport (the "Airport"), and also owns a 155.6 acre tract of mostly undeveloped land located near the intersection of Godby Road and Old National Highway in College Park, Georgia (the "Godby Road Tract"); and

**WHEREAS**, a ground lease (the "MDG Lease") for the development of a flight training facility by MDG Development Group, LLC for Airtran Airways, Inc. on the Godby Road tract has been authorized by Resolution No. 06-R-0162 of the Council of the City of Atlanta (the "City") adopted on January 17, 2006 and approved by the Mayor on January 24, 2006 and by Resolution No. 07-R-1696 adopted on September 4, 2007 and approved by the Mayor on September 12, 2007, copies of which are attached hereto as Exhibit A; and

**WHEREAS**, it has come to the attention of the parties to the MDG Lease that a sewer line runs directly beneath the portion of the leased property slated for development and that the sewer line must be relocated prior to construction of the facility at no cost to the City; and

**WHEREAS**, the City has previously granted Fulton County an easement providing for access to the property in the path of the sewer line, which easement must be amended in order to allow for the relocation of the sewer line and subsequent development of the property; and

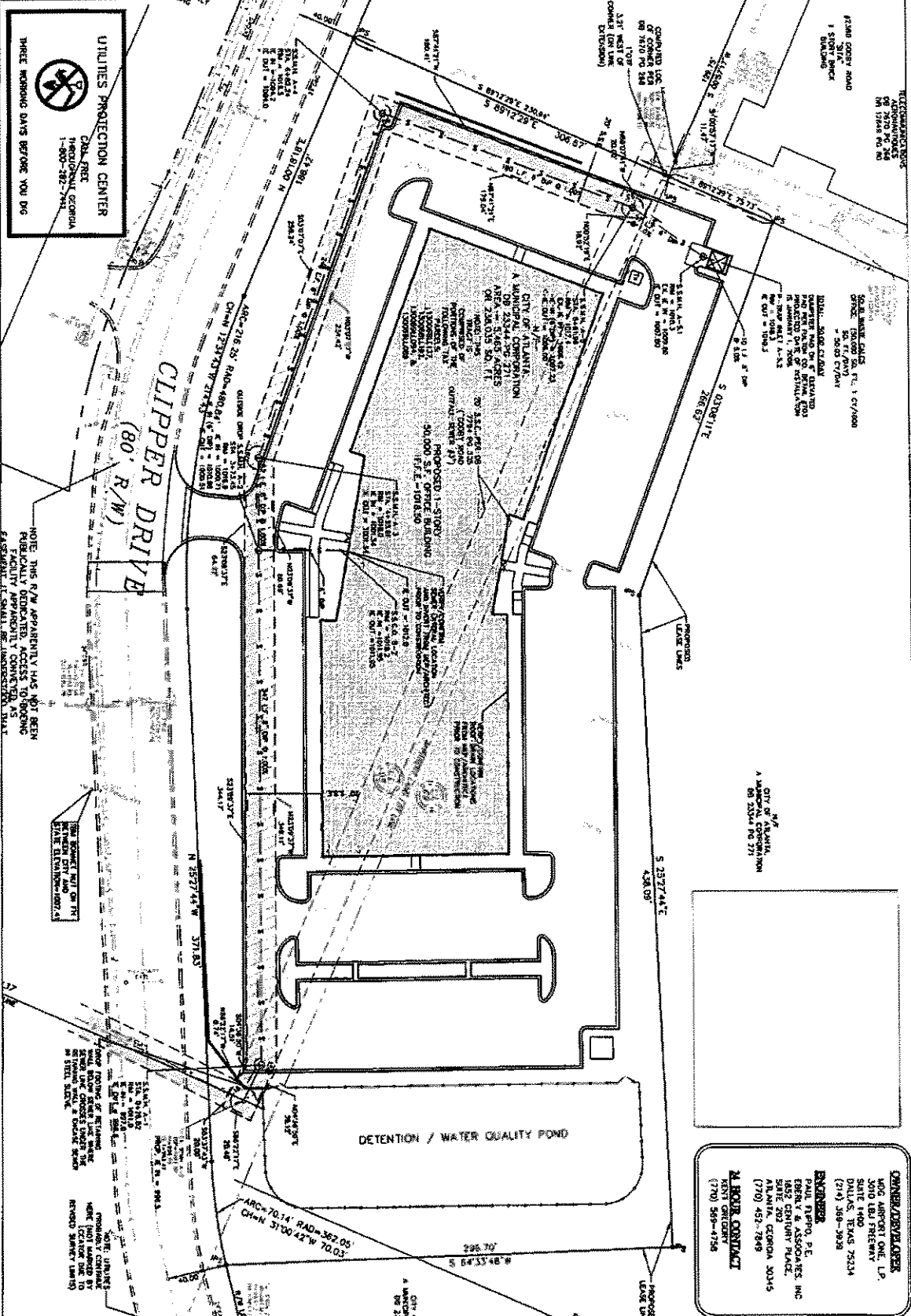
**WHEREAS**, the Aviation General Manager has recommended that the City execute the amendment, for the purpose of modifying the sewer easement granted to Fulton County, in furtherance of the objectives described herein.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:**

**SECTION 1.** That the Mayor is hereby authorized to execute an amendment modifying the existing sewer easement recorded in the Office of the Clerk of the Fulton County Superior Court at Deed Book 7794, Page 305 and such other documents necessary to allow for the relocation of the sewer line and subsequent development of the project described in the MDG Lease.

**SECTION 2.** That the City Attorney is hereby directed to draft an appropriate amendment for signature by the Mayor.

**SECTION 3.** That the modified sewer easement will not become binding on the City, and the City will incur no liability thereunder, until it has been signed by the Mayor, approved as to form by the City Attorney, attested to by the Municipal Clerk, and delivered to Fulton County.



U/LINES PROTECTION CENTER  
CALL REEL  
HUNTSVILLE, GEORGIA  
1-800-282-7441

THREE WORKING DAYS BEFORE YOU DIG

20' SEWER EASEMENT PLAT

PROJECT NO.	07-119
DATE	11/11/07
DESIGNED BY	WATER MAIN
CHECKED BY	WATER MAIN
DATE	11/11/07

PROJECT: AIRTRAN  
CORPORATE OFFICES  
LAND LOTS 88 AND 89  
10th DISTRICT  
FULTON COUNTY, GEORGIA  
5166 CLIPPER DRIVE

DATE: 11/11/07  
BY: [Signature]  
CHECKED: [Signature]  
DATE: 11/11/07

**OWNER/DESIGNER**  
W.D. AIRTRAN INC. L.P.  
1000 AIRPORT BLVD.  
SUITE 1400  
DALLAS, TEXAS 75234  
(214) 386-3838

**ENGINEER**  
J. L. HARRIS, P.E.  
HARRIS & ASSOCIATES, INC.  
1852 CENTURY PLACE  
SUITE 202 CENTURY PLACE  
FULTON, GEORGIA 30045  
(770) 451-1505

**24 HOUR CONTACT**  
KENT ORIENT  
(770) 369-4756

LABORER: [Signature]  
DATE: 11/11/07  
LABORER: [Signature]  
DATE: 11/11/07

1/1

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:**

**Caption:**

**Council Meeting Date:**

**Requesting Dept.:**

**FAC Confirmed by:**

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The Ground Lease is currently in the contract execution process to be fully executed by the City of Atlanta. The Sewer Easement is required before the developer begins moving dirt to redirect the Sewer Line. Legislation has been approved to lease MDG Airport 1, LP, an entity related to MDG Development Group, LLC, 5.5 acres of land for a ground lease on the Godby Road Tract, for the purpose of facilitating the approved development of AirTran Flight Training Facility on property owned by the City of Atlanta near Hartsfield-Jackson Atlanta International Airport.

**2. Please provide background information regarding this legislation.**

**3. If Applicable/Known:**

(a) Contract Type (e.g. Professional Services, Construction Agreement, etc): **N/A**

(b) Source Selection:

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center (Ex. Name and number): **N/A**

Fund: \_\_\_\_\_ Account: \_\_\_\_\_ Center: \_\_\_\_\_

5. Source of Funds: Example: Local Assistance Grant **N/A**

6. Fiscal Impact: N/A

*Example: This legislation will result in a reduction in the amount of \_\_\_\_\_ to Fund Account Center Number \_\_\_\_\_.*

7. Method of Cost Recovery: **N/A**

*Examples:*

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

**This Legislative Request Form Was Prepared By: Jalal Slade/Mary Welsh**

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Anita Williams

Contact Number: 404-530-6600

Originating Department: Aviation

Committee(s) of Purview: Transportation

Chief of Staff Deadline: 1/30/08

Anticipated Committee Meeting Date(s): 2/13/08

Anticipated Full Council Date: 2/18/08

Commissioner Signature: 

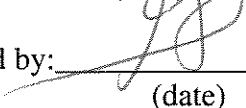
**CAPTION**

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO AN EXISTING SEWER EASEMENT GRANTED TO FULTON COUNTY FOR THE PURPOSE OF FACILITATING THE PREVIOUSLY APPROVED DEVELOPMENT OF AN AIRTRAN FLIGHT TRAINING FACILITY ON PROPERTY OWNED BY THE CITY OF ATLANTA NEAR HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any)

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ (date) Received by LC from CPO: \_\_\_\_\_ (date)

Received by Mayor's Office: 2-13-08 (date) Reviewed by:  (date)

Submitted to Council: \_\_\_\_\_ (date)